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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,615	03/16/2004	Raymond J. Cho	27763-703.301	4568
21971 7590 01/22/2008 WILSON SONSINI GOODRICH & ROSATI 650 PAGE MILL ROAD PALO ALTO, CA 94304-1050			EXAMINER RAYYAN, SUSAN F	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/802,615

Applicant(s)

CHO ET AL.

Examiner

Susan F. Rayyan

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/31/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 6-26, 35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 6-26, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/19/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 31, 2007 has been entered.

DETAILED ACTION

2. Claims 1-3,5,27-34 are canceled.
3. Claims 4,6-26,35-36 are pending.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on October 19, 2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d) (1) and MPEP § 608.01(o). Correction of the following is required: Claim 12: "a database management unit", "information extraction unit", information storage unit".

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

Claims 12-36 are directed to non statutory subject matter. The claims are software per se.

Information extractors are defined as an application or human (see application :US Publication 2005/0055347, paragraph 52). Information store or database as described in the specification as a flat file see application :US Publication 2005/0055347, paragraph 30).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6-16, 18, 20-26, 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication Number 2002/0165737 issued to Howard

As per independent claim 4 Mahran teaches:

selecting articles to serve as an information source for the knowledge representation (paragraph 21, as extracting information from medical literature to build a medical database);

extracting and formatting information contained in the articles for storage in the knowledge representation (paragraph 17, as extracting information from medical literature) including representing a fact expressed in an article's natural language as at least an object and process relationship, wherein the information extraction is performed by knowledge extraction personnel (paragraph 123, object equates to field: id, process equates to the field: treatment id , paragraph 111-112:lines 11-16, as abstract may be extracted directly from document or prepared and requires a skilled technician or scientist);

and storing the formatted information in the knowledge representation (paragraph 21, as storing in a medical database).

Mahran does not explicitly teach verifying that the information extracted from the selected articles by the knowledge extraction personnel is correct and that it has been placed in the correct format for storage in the knowledge representation, wherein the verification is performed by quality control personnel. Hinman does teach this limitation (column 12, lines 1-7, as communication to a second categorizer to review classification and paragraph 10, lines 35-40 as quality control personnel) to improve uniformity and consistency of classification values. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Mahran with verifying that the information extracted from the selected articles by the knowledge extraction personnel is correct and that it has been placed in the correct format

for storage in the knowledge representation, wherein the verification is performed by quality control personnel to improve uniformity and consistency of classification values as described by Hinman (column 12, lines 11-12).

As per claim 6, same as claim arguments above and Mahran teaches:

wherein both the extracting step and verifying step are performed by the same person, which person has been qualified by a predetermined procedure to perform both steps simultaneously (paragraph 115, lines 4-6, as personnel to extract and interpret and prepare calculations).

As per claim 7, same as claim arguments above and Mahran teaches:

wherein at least the steps of extracting and verifying occur in geographically separated locations (paragraph 115, lines 4-6, and paragraph 22 as personnel to extract and interpret and prepare calculations and an expert).

As per claim 8, same as claim arguments above and Mahran teaches:

wherein the geographically separate locations are chosen based upon the cost of performing the respective steps of extracting and verifying,... (paragraph 115, lines 4-6, and paragraph 22 as personnel to extract and interpret and prepare calculations and an expert).

As per claim 9, same as claim arguments above and Mahran teaches:

wherein the extracting information step includes using a computer-driven parser of natural language (Figure 1A, element 206, parser).

As per claim 10, same as claim arguments above and Mahran teaches:

wherein the representing step includes representing an object and process relationship in the form of the process being an action that acts upon the object (paragraph 123, object equates to field: id, process equates to the field: treatment id).

As per claim 11, same as claim arguments above and Mahran teaches:

wherein the representing step includes representing an object and process relationship in the form of the first object being an effector of the process and the process is an action that acts upon one or more second objects. paragraph 123, object equates to field: id, process equates to the field: treatment id).

As per independent claim 12 Mahran teaches:

an information extraction unit which extracts a finding from an article's natural language and translates this finding into a structured finding comprising at least an object, process, and a relationship between the object and process (paragraph 123, object equates to field: id, process equates to the field: treatment id);

an information storage unit in communication with the second database for storing the structured finding in the second database (paragraph 21, as storing in a medical database).

Mahran does not explicitly teach a database management unit in communication with the information extraction unit for verifying whether the structured finding has been properly formatted for storage in the second database. Hinman does teach this limitation (column 12, lines 1-7, as communication to a second categorizer to review classification and paragraph 10, lines

35-40 as quality control personnel to improve uniformity and consistency of classification values. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Mahran with a database management unit in communication with the information extraction unit for verifying whether the structured finding has been properly formatted for storage in the second database to improve uniformity and consistency of classification values as described by Hinman (column 12, lines 11-12).

As per claim 13, same as claim arguments above and Mahran teaches:

further comprising a query management and information display unit for responding to user inquiries for information stored in the second database and for retrieving information from the second database in response to those queries (paragraph 140, a output dataset).

As per claim 14, same as claim arguments above and Mahran teaches:

wherein the second database is frame-based (Figure 1A, element 22).

As per claim 15, same as claim arguments above and Mahran teaches:

wherein the structured finding is formatted according to a fact-based model (paragraph 108-111, as extracting data from a study into a database from future retrieval).

As per claim 16, same as claim arguments above and Mahran teaches:

wherein the relationship between the object and process takes the form of the process is an action that acts upon the object (paragraph 123, object equates to field: id, process equates action equates to the field: treatment id).

As per claim 18, same as claim arguments above and Mahran teaches:

wherein the finding is derived from one or more sentences, a portion of sentence, a diagram, figure or table (paragraph 21, as extract information from literature).

As per claim 20, same as claim arguments above and Mahran teaches:

wherein the first database is coupled to, and in communication with the information extraction unit (Figure 1A).

As per claim 21, same as claim arguments above and Mahran teaches:

further including an article selection unit, for selecting articles for information extraction from among a plurality of articles residing in the first database (paragraph 69, identifying useful papers and extracting information).

As per claim 22, same as claim arguments above and Mahran teaches:

wherein the article's representation of the finding has a first format and wherein the translation of the finding includes a translation of the finding into a natural language having a second format (paragraph 23).

As per claim 23, same as claim arguments above and Mahran teaches:

wherein information is extracted using a user template (paragraph 112, as populating fields by a skilled technician include a template).

As per claim 24, same as claim arguments above and Mahran teaches:

wherein information is extracted using a computer-driven parser of the natural language (Figure 1A, element 206, parser).

As per claim 25, same as claim arguments above and Mahran teaches:

wherein the structured finding comprises a first object, second object and a process relationship (paragraph 123, object equates to field: id, process equates to the field: treatment id).

As per claim 26, same as claim arguments above and Mahran teaches:

wherein the structure finding comprises an object, a process and a process relationship (paragraph 123, object equates to field: id, process equates to the field: treatment id).

As per claim 35, same as claim arguments above and Mahran teaches:

wherein the object is an effector of a plurality of processes and all of these processes are actions that act upon a second object (paragraph 123, objects is an effector equates to field:ids, process are actions equates to the field: treatment id).

As per claim 36, same as claim arguments above and Mahran teaches:

wherein the article's natural language includes a first and second finding and wherein the first finding comprises the process and object and the object includes the second finding (paragraph

21, information extraction equates to the findings and paragraph 123, objects is an effector equates to field:ids, process are actions equates to the field: treatment id).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication Number 2002/0165737 issued to Howard E. Mahran ("Mahran") and US Patent Number 7,022,905 issued to Jeremy D. F. Hinman et al ("Hinman") in view of US Patent Number 6,470,277 issued to Daniel J. Chin et al ("Chin").

As per claim 17, same as claim arguments above and Mahran and Hinman do not explicitly teach wherein the object is a gene, protein, cell, or organism. Chin does teach this limitation (Abstract, as gene) to facilitate identification of candidate genes. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mahran and Hinman with wherein the object is a gene, protein, cell, or organism to facilitate identification of candidate genes. (column 3, lines 29-30).

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication Number 2002/0165737 issued to Howard E. Mahran ("Mahran") and US Patent Number 7,022,905 issued to Jeremy D. F. Hinman et al ("Hinman") in view of US Patent Number 6,498,795 issued to Junbiao Zhang et al ("Zhang").

As per claim 19, same as claim arguments above and Mahran and Hinman do not explicitly teach wherein the second database includes an ontology. Zhang does teach this limitation (column 7, line 15-34, as ontology) to ensure agents interact with one another coherently and consistently since they commit to use a set of definitions and conceptualizations. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mahran and Hinman with wherein the second database includes an ontology to ensure agents interact with one another coherently and consistently since they commit to use a set of definitions and conceptualizations (column 7, lines 15-24).

Response to Arguments

8. Applicant's arguments filed October 31, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that Hinman is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Hinman is relied upon to teach the limitation verifying that the information extracted from the selected articles by the knowledge extraction personnel is correct and that it has been placed in the correct format for storage in the knowledge representation, wherein the verification is performed by quality control personnel (column 12, lines 1-7, as communication to a second categorizer to review classification and paragraph 10, lines 35-40 as quality control personnel). Hinman was not incorporated to correct the

categorization of the music compositions but incorporated for the quality control on data inserted into a database. Quality control insures data is of good quality and correct.

Applicant argues the Hinman's teachings are not pertinent to the particular problem faced by the Applicant. Applicant argues Hinman discloses a method for classifying music compositions for the purpose of identifying qualitatively similar compositions, The problem faced by Hinman is how to standardized the descriptions of subjective content so that the different reviewers would consistently classify qualitatively similar pieces of music. Applicant indicates the Applicant method is concerned with extracting and organizing information in a format that can easily be searched. Examiner finds that the fact Hinman teaches a method for classifying music is not pertinent. The pertinent fact is Hinman teaches quality control. Hinman is relied upon to teach quality control.

Applicant argues prior art of record does not teach the verification step. Mahran does not explicitly teach verifying that the information extracted from the selected articles by the knowledge extraction personnel is correct and that it has been placed in the correct format for storage in the knowledge representation, wherein the verification is performed by quality control personnel. Hinman does teach this limitation (column 12, lines 1-7, as communication to a second categorizer to review classification and paragraph 10, lines 35-40 as quality control personnel verifies information before data is stored) to improve uniformity and consistency of classification values. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Mahran with verifying that the information extracted from the selected articles by the knowledge extraction personnel is correct and that it has been placed in the correct format for storage in the knowledge representation, wherein the verification is

performed by quality control personnel to improve uniformity and consistency of classification values as described by Hinman (column 12, lines 11-12).

Contact Information


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan Rayyan

January 16, 2008


JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100